REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application and for his helpful comments in consideration of the above amendments.

Disposition of Claims

Claims 8, 9, 13, 15, 16, 23, 24, 28, 30, 31, and 34-38 are pending in this application. Claims 8, 23, and 34 are independent. The remaining claims depend, directly or indirectly, from claims 8, 23, and 34.

Claims 34 - 38 stand allowed

Claims 8, 9, 13, 15, 16, 23, 24, 28, 30, and 31 stand rejected under 35 U.S.C. § 112 as indefinite. Claims 8, 9, 23, and 24 have been amended in this reply to clarify the present invention recited. In view of the amendments, Applicant believes this rejection to be moot. However, to the extent that this rejection may still apply, the rejection is respectfully traversed. Applicant respectfully requests that the Examiner expeditiously allow this case to issue.

SUMMARY

Applicant believes this reply to be fully responsive to all outstanding issues and place this application in condition for allowance. If this belief is incorrect, or other issues arise, do not hesitate to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Baker Botts L.L.P. Deposit Account No. 02-0383, *(formerly Baker & Botts, L.L.P.)* Order Number 069620.0101.

Respectfully submitted,

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Attachment A
MARKED-UP VERSION OF AMENDED CLAIMS

8. (twice amended) A flow measuring apparatus comprising:

a) a metering reservoir, the metering reservoir having a volume, a reservoir inlet port, a reservoir outlet port, a top and a bottom;

b) a control valve, the control valve capable of allowing or stopping liquid from entering the metering reservoir;

c) a liquid level sensor, the liquid level sensor located so as to able to sense a fluid level within the metering reservoir and operably connected to an upper limit switch and a lower limit switch, the upper limit switch having an upper set point and the lower limit switch having a lower set point; and

d) an electronics module, the electronics module in electrical communication with the upper limit switch and the lower limit switch and further in electrical communication with the control valve

wherein the volume of the metering reservoir between the upper set point and the lower set point [has]<u>is known to within</u> an error tolerance of less than 1%.

9. (once amended) The flow measuring apparatus of claim 8 wherein the volume of the metering reservoir between the upper set point and the lower set point [has]<u>is known to within</u> an error tolerance of less than 0.1%.

1.31
1.73

23. (twice amended) A flow measuring apparatus comprising:

a) a metering reservoir, the metering reservoir having a volume, a reservoir inlet port, a reservoir outlet port, a top and a bottom;

b) a tank outlet conduit, the tank outlet conduit capable of conducting fluid to the reservoir inlet port;

c) a control valve, the control valve capable of allowing or stopping liquid from flowing from entering the metering reservoir;

d) a liquid level sensor, the liquid level sensor located so as to able to sense a fluid level within the metering reservoir and operably connected to a lower switch, the lower limit switch having a lower set point;

e) a paddlewheel, the paddlewheel having a central pivot point and paddles, the paddles radiating from the central pivot point, the paddles capable of rotating about the central pivot point, the paddlewheel located within the tank outlet conduit and capable of rotating in response to fluid flow through the tank outlet conduit; and

f) an electronics module, the electronics module in electrical communication with the paddlewheel and the lower limit switch and further in electrical communication with the control valve

wherein the volume of the metering reservoir [has]is known to within an error tolerance of less than 1%.

24. (once amended) The flow measuring apparatus of claim 23 wherein the volume of the metering reservoir [has]is known to within an error tolerance of less than 0.1%.